**HON'BLE SRI JUSTICE BILAL NAZKI**
**AND**
**HON'BLE SRI JUSTICE D. APPA RAO**

**WRIT PETITION No.21350 of 2007**

Date: 08-10-2007.

Between :

M/s.Kennametal India Limited, Hyderabad,
Rep. by its Regional Manager.

.....Petitioner

And

The Commercial Tax Officer, Begumpet Circle,
Hyderabad & others.

.....Respondents.

**HON'BLE SRI JUSTICE BILAL NAZKI**
**AND**
**HON'BLE SRI JUSTICE D. APPA RAO**

**WRIT PETITION No.21350 of 2007**

**ORDER** : (Per Hon'ble Sri Justice Bilal Nazki)

Heard learned Counsel for the parties. With their consent, the Writ Petition is being disposed of at this stage.

The controversy is that pending an appeal, stay application has been dismissed. The learned counsel for petitioner submits that after the provisional assessment also, an application for stay was dismissed and he approached this Court and this Court, in writ petition No.25140 of 2004, had stayed the recovery proceedings, subject to payment of 50% of the liability within four weeks, which has already been complied with. In this view of the matter, we direct that the appeal be taken up for final hearing and recoveries be not made to the extent of 50% of the liabilities and the amounts paid in pursuance of earlier order be given credit.

Writ Petition is disposed of accordingly. No costs.

BILAL NAZKI, J

8th October 2007.

D. APPA RAO, J

**N.B**:
Order by wire at party's cost.

(b/o)

ajr